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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,412	02/22/2002	Jerry W. Stewart	125438-1003	2491
7	7590 09/07/2004		EXAMINER	
KENNETH R. GLASER			NGUYEN, CHI Q	
MICHAEL E. MARTIN GARDERE WYNNE SEWELL LLP		ART UNIT	PAPER NUMBER	
1601 ELM STREET, SUITE 3000			3635	
DALLAS, TX	75201		DATE MAILED: 09/07/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	plicant(s)	plicant(s)	
•	10/081,412	STEWART ET A	AL.	
Office Action Summary	Examiner	Art Unit	1111	
	Chi Q Nguyen	3635	MW	
The MAILING DATE of this communication	on appears on the cover sheet w	ith the correspondence a	address	
Period for Reply				
A SHORTENED STATUTORY PERIOD FOR F THE MAILING DATE OF THIS COMMUNICAT - Extensions of time may be available under the provisions of 37 (after SIX (6) MONTHS from the mailing date of this communicat - If the period for reply specified above is less than thirty (30) days - If NO period for reply is specified above, the maximum statutory - Failure to reply within the set or extended period for reply will, by Any reply received by the Office later than three months after the earned patent term adjustment. See 37 CFR 1.704(b).	ION. CFR 1.136(a). In no event, however, may a ion. s, a reply within the statutory minimum of thi period will apply and will expire SIX (6) MO a statute, cause the application to become A	reply be timely filed irty (30) days will be considered tim NTHS from the mailing date of this NBANDONED (35 U.S.C. § 133).	nely. communication.	
Status				
1)⊠ Responsive to communication(s) filed on	08 December 2003.			
, :	This action is non-final.			
3) Since this application is in condition for a		tters, prosecution as to the	he merits is	
closed in accordance with the practice ur				
Disposition of Claims				
4)⊠ Claim(s) <u>1-45</u> is/are pending in the applic	cation.			
4a) Of the above claim(s) is/are wi				
5)⊠ Claim(s) <u>1-16 and 20-36</u> is/are allowed.				
6)⊠ Claim(s) <u>17-19 and 37-44</u> is/are rejected				
7)⊠ Claim(s) <u>45</u> is/are objected to.				
8) Claim(s) are subject to restriction	and/or election requirement.			
Application Papers				
9) The specification is objected to by the Exa	aminer.			
10)⊠ The drawing(s) filed on 22 February 2002		objected to by the Exan	niner.	
Applicant may not request that any objection				
Replacement drawing sheet(s) including the			CFR 1.121(d).	
11) The oath or declaration is objected to by the				
Priority under 35 U.S.C. § 119				
•	projan priority under 25 H.S.C.	8 110/a)./d) or (f)		
12) Acknowledgment is made of a claim for fo a) All b) Some * c) None of:		9 119(a)-(d) or (1).		
1. Certified copies of the priority docu				
2. Certified copies of the priority docu				
3. Copies of the certified copies of the		n received in this Nationa	al Stage	
application from the International E				
* See the attached detailed Office action for	a list of the certified copies no	t received.		
Attachment(s)	4) 🔲 Indon-Sau-	Summary (PTO-413)		
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-9) 	· · · · · · · · · · · · · · · · · · ·	(s)/Mail Date		
3) Information Disclosure Statement(s) (PTO-1449 or PTO/	SB/08) 5) Notice of	Informal Patent Application (P	TO-152)	
Paper No(s)/Mail Date	6)	 '		



Application/Control Number: 10/081,412

Art Unit: 3635

DETAILED ACTION

Terminal Disclaimer

The terminal disclaimer filed on 12/18/03 disclaiming the terminal portion of any patent granted on this application has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

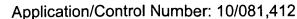
A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-19, and 37-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Zeckendorf et al (US 2,698,973).

Zeckendorf teaches multistory building structure comprising at least one multistory module comprising a first level including multiple dwelling units (figs. 5 and 6) and extending between one sidewall 12 or 26 of the module and an opposite sidewall, a second level of the module including plural dwelling units thereon and occupying at least a portion of the second level, a third level of the module including multiple dwelling units disposed thereon, a plurality of corridors surrounding the building module and providing pathway and access by elevators 46, stairways 47 31 and a ground level G.

Allowable Subject Matter



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Claim 45 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-16, and 20-36 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 17-19, and 37-44 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Chi Q. Nguyen whose telephone number is (703) 605-1224, Mon-Thu (7:00-5:30), Fridays off or examiner's supervisor, Carl Friedman can be reached at (703) 308-0839. The fax number for the organization where this application or proceeding assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-

1113 CQN 8/30/04

Supervisory Patent Examiner
Group 3600